

Amendment
U.S. Patent Application No. 09/724,780

REMARKS

Claims 1-27 are pending in the subject application. Claims 1-26 have been examined and stand rejected. Claims 1, 3-5, 7 and 10-18 have been amended, and new claim 27 has been added. Support for the amended and new claims can be found throughout the specification. It is noted that claims 1, 3-5, 7 and 10-18 have been amended for clarification purposes only and should in no way be construed as narrowing the originally claimed subject matter. Favorable reconsideration of the application and allowance of all of the pending claims are respectfully requested in view of the above amendments and the following remarks.

Initially, it is noted that the subject application claims priority under 35 U.S.C. §119(e) to U.S. Provisional Application No. 60/172,301 (see page 1 of the specification). The outstanding Office Action does not acknowledge such priority. The Examiner is requested to acknowledge such priority in the next communication in response to this Amendment.

The specification was amended to remove the reference to the attorney docket number provided in the "CROSS REFERENCE TO RELATED APPLICATIONS" section.

Claims 1-22 stand rejected under 35 U.S.C. §102(e), as being anticipated by U.S. Patent Application Publication No. 2001/0055407 To Rhoads. Claims 22-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rhoads in view of the publication "INTRODUCTION TO COMPUTING AND COMPUTER SCIENCE WITH PASCAL" by Henry M. Walker ("the Walker publication"). Applicant respectfully traverses these rejections based upon the following remarks.

The subject invention relates to providing systems and corresponding methods for generating a lower-resolution resultant image from an original higher-resolution image or digital negative and an edit list associated with the resultant image that is linked with the digital negative. The edit list, as described in the specification (page 11), is a sequence of image operations or image transforms that are applied to an image, and the resultant image is the result of applying the specified edit list to the digital negative at some specified resolution. Thus, a low-resolution image can be distributed that will facilitate fast downloads and display, while the

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edit list provides a link to the higher resolution digital negative in the event it is desired to produce the resultant image at a higher resolution.

Independent claim 1 recites a method of rendering a low-resolution resultant image at an embedded imaging device, including the following steps: capturing an original digital negative at the embedded imaging device at an original resolution, modifying the original digital negative to form a first resultant image at a first resolution, generating a first edit list with the first resultant image, associating the first edit list with the first resultant image, linking the first edit list to the original digital negative, displaying the first resultant digital image at the first resolution, modifying the first resultant image to form a second resultant image at the first resolution, generating a second edit list based upon the modifying of the first resultant image, associating the second edit list with the second resultant image, linking the second edit list to the original digital negative, storing the linked second edit list, the original digital negative and the second resultant image at the embedded imaging device, and displaying the second resultant image at the display device.

Similarly, independent claim 10 recites a system for rendering a low-resolution image from a higher resolution image. The system includes an embedded imaging device to capture an original digital negative at an original resolution, a means for generating a thumbnail digital image of the original digital negative at a first resolution, a means for modifying the thumbnail digital image to form a first resultant image at the first resolution, a means for generating a first edit list based upon the modifying of the digital image, a means for associating the first edit list with the first resultant image, a means for linking the first edit list to the original digital negative, a means for storing the linked first edit list, the original digital negative, and the first resultant image at the embedded imaging device, and a display device coupled to the embedded image device to display the thumbnail digital image and the first resultant image. There is no disclosure or suggestion of the combined features of each of claims 1 and 10 in Rhoads.

Rhoads describes a computer system utilizing steganographic systems for applications such as enhanced-security financial transactions, counterfeit resistant identification cards, etc. Initially, it is noted that, in rejecting claims 1 and 10, the Examiner relies upon the combination

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of two very different embodiments disclosed in Rhoads, namely, a plastic credit/debit card system (Figs. 22-27 and paras. [0349-0372] of Rhoads) and a digital watermarking application (Fig. 43 and paras. [0431-0433] of Rhoads), in an attempt to assert the combined features of claims 1 and 10 are anticipated by Rhoads. It is respectfully submitted that it is improper to combine elements from two different embodiments in this manner in order to assert the combined features of the claims are taught by a single reference. In particular, MPEP §2131.01 clearly indicates that, to anticipate a claim, the identical invention must be shown in as complete detail as is contained in a claim. It is clear from the Examiner's combination of the credit/debit card system and the digital watermarking application of Rhoads, in an attempt to assert all of the recited elements of claims 1 and 10 are anticipated, that neither Rhoads embodiment individually describes the identical invention as set forth in these claims. Therefore, at the very least, Rhoads does not anticipate claims 1 and 10 based upon the Examiner's rationale.

However, even assuming that it is proper to combine two different embodiments from Rhoads in the manner suggested by the Examiner, it is respectfully submitted that such combination still does not anticipate or render obvious claims 1 and 10. Regarding the plastic credit/debit card system of Rhoads, this system takes a raw digital image of a user and generates a master snowy image which can then be added to the raw image to produce a "texturized" image (see para. [0355] and Fig. 24 of Rhoads). The Examiner apparently construes the raw image with the original digital negative as recited in claims 1 and 10. It is not clear as to whether the Examiner is also construing the snowy and "texturized" images as the first and/or second resultant images recited in claims 1 and 10. However, even assuming that it is appropriate to construe the snowy image as the first resultant image recited in claims 1 and 10 and the "texturized" image as the second resultant image recited in claim 1, there is simply no disclosure or suggestion in Rhoads of a generated first edit list that is based upon the modification of the digital negative, let alone any disclosure or suggestion in Rhoads of a linking of the first edit list to the digital negative, as recited in claims 1 and 10. In addition, there is no disclosure or suggestion of a generated second edit list that is based upon the modification of the first resultant image, let alone any disclosure or suggestion of a linking of the second edit list to the first

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resultant image as recited in claim 1. Further, there is no disclosure or suggestion of a display device in Rhoads that is coupled to an embedded image device to display the first resultant image as recited in claims 1 and 10. There is no disclosure or suggestion in Rhoads that the snowy image is displayed on a display device. Also, while Rhoads discloses that the "texturized" image is printed on a personal cash card, there is no disclosure or suggestion that the "texturized" image is displayed on a display device in Rhoads. For at least these reasons, claims 1 and 10 are not anticipated by and should be allowed over Rhoads. However, if the Examiner maintains this rejection, it is requested that the Examiner provide a detailed analysis in the form of a one-to-one correspondence that shows how each element of claims 1 and 10 is met by a corresponding element in a single embodiment of Rhoads, rather than generally citing sections in Rhoads where each element is supposedly taught.

In asserting that the generating of a second edit list, as recited in claim 1, is taught by Rhoads, the Examiner turns to the digital watermarking application (Fig. 43, paras. [0431-0433] of Rhoads) to assert this feature is taught by Rhoads. The digital watermarking application of Rhoads involves a creator or "user" using an application, such as Adobe Photoshop 4.0, which is equipped with a digital watermarking technology. The "user" obtains a Creator ID, which is stored in a central repository. Next, the "user" creates and embeds a watermark in a digital image, which can be stored, printed and/or distributed over a computer system such as the Internet. When the image bearing the watermark is used, that image is examined for a watermark by a computer running an associated program (e.g., "PictureMarc"). If a watermark is detected, the program communicates with the central repository (e.g., MarcCentre Locator Service) to look up creator information and present a WWW page to the user.

It is not clear as to what the Examiner construes as being the second resultant image and the second edit list, as recited in claim 1, in the digital watermarking application. Assuming the Examiner construes the image bearing the watermark as the second resultant image as recited in claim 1, it is unclear how this image bearing the watermark is analogous in any way to the snowy image and/or "texturized" image of the credit/debit card system of Rhoads. Further, at best, Rhoads discloses that the watermark in the image is identified and used to look up creator

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information. However, there is no disclosure or suggestion in Rhoads that the watermark is linked with the original digital image, similar to the second edit list being linked to the original digital negative as recited in claim 1. Thus, for these additional reasons, Rhoads is further lacking in teaching all of the recited features of claim 1.

Claims 2-9 and 11-18 each depend, either directly or indirectly, from claim 1 or claim 10. Accordingly, these claims are also not anticipated by and should be allowed over Rhoads.

Independent claim 19 recites an on-demand method of transferring a lower resolution resultant image from a first node to a second node that preserves an ability to form a higher resolution image at the second node. The method includes the following steps: generating a first resultant image at a first resolution, rasterizing the first resultant image to form a second resultant image at a second resolution, transferring the second resultant image to the second node, selecting a third resolution at the second node, and rasterizing the second resultant image at the second node to form a third resultant image at the third resolution. There is no disclosure or suggestion of these combined features in Rhoads.

In rejecting claim 19, the Examiner once again relies upon two very different embodiments in Rhoads to assert the combined features of claim 19 are anticipated. In particular, the Examiner cites paras. [0408-0410] of Rhoads to assert the generating a first resultant image at a first resolution, rasterizing the first resultant image to form a second resultant image at a second resolution, and transferring the second resultant image to the second node features of claim 19 are taught by Rhoads. Paras. [0408-0409] of Rhoads generally describes the collection of web images with embedded URL information into "palettes" for presentation to users with high level navigation tools. Navigation is effected by clicking on images rather than clicking on textual web page names. In one embodiment, thumbnail images corresponding to extracted web pages are stored in a subdirectory in the computer's file system, where a URL is embedded in each thumbnail and a palette of navigational thumbnails can be displayed for selection by a user.

There is no disclosure or suggestion in the web page embodiment of Rhoads (paras. [0408-0409]) of at least the step of rasterizing a first resultant image to form a second resultant

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image at a second resolution as recited in claim 19. At best, the web page collection embodiment of Rhoads describes using thumbnail images with embedded URL information as links corresponding to web pages on the Internet. Accordingly, for at least this reason, claim 19 is not anticipated by and should be allowed over Rhoads.

The Examiner further combines the web page collection embodiment with the digital watermarking application (paras. [0410] and [0413-0414]) of Rhoads, as previously described above, in order to assert the remaining features of claim 19 are taught by Rhoads. It is respectfully submitted that the formulation of an anticipation rejection in this manner (i.e., by combining features of two different embodiments) is improper for the same reasons as noted above with regard to claims 1 and 10. However, even assuming that such a combination of the two embodiments is proper, claim 19 is still not anticipated by Rhoads based upon the previously noted deficiencies in the web page collection embodiment as well as at least the following noted deficiencies in the digital watermarking application of Rhoads. There is simply no disclosure or suggestion of the step of selecting a third resolution at the second node, let alone the step of rasterizing the second resultant image at the second node to form a third resultant image at the third resolution, as recited in claim 19. There is no mention of any selection of a resolution for the images to be processed in the digital watermarking application of Rhoads. Accordingly, for at least the aforementioned reasons, claim 19 is not anticipated by and should be allowed over Rhoads. However, if the Examiner maintains this rejection, it is requested that the Examiner provide a detailed analysis in the form of a one-to-one correspondence that shows how each element of claim 19 is met by a corresponding element in a single embodiment of Rhoads, rather than generally citing sections in Rhoads where each element is supposedly taught.

Claims 20-26 each depend, either directly or indirectly, from claim 19. Accordingly, these claims are also not anticipated by and should be allowed over Rhoads.

Further, the Walker publication does not make up for the previously noted deficiencies of Rhoads. The Walker publication simply teaches computing with the computer language Pascal, and there is no disclosure or suggestion in this reference relating to the processing of digital

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images. Accordingly, in addition to the previous remarks, claims 22-26 are further not obvious and should be allowed over Rhoads in view of the Walker publication.

New claim 27 recites a system for transferring a lower resolution resultant image between nodes while preserving an ability to form a higher resolution resultant image. The system includes a first node including a processor configured to receive a digital negative of an original digital image generated from an imaging device, to modify the digital negative to form a first resultant image, to generate a first edit list based upon the modification of the digital negative, and to link the first edit list with the digital negative; and a second node including a processor configured to receive the first resultant image from the first node, to modify the first resultant image to form a second resultant image, to generate a second edit list based upon the modification of the first resultant image, and to link the second edit list with the digital negative. Claim 27 further recites that the first and second resultant images are at a lower resolution than the digital negative. It is respectfully submitted that the combined features of claim 27 are not disclosed or suggested in any of the embodiments of Rhoads.

In view of the foregoing, Applicants respectfully request the Examiner to find the application to be in condition for allowance with claims 1-27. However, if for any reason the Examiner feels that the application is not now in condition for allowance, he is respectfully requested to call the undersigned attorney to discuss any unresolved issues and to expedite the disposition of the application.


Filed concurrently herewith is an excess claim fee in the amount of \$104.00 for payment of one independent claim in excess of the three previously paid for and one total claim in excess of the 26 previously paid for. Applicants hereby petition for any extension of time which may be

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required to maintain the pendency of this case, and any required fee for such extension is to be charged to Deposit Account No. 05-0460.

Respectfully submitted,



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